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January 26, 2024

VIA UPS OVERNIGHT MAIL

The Honorable Peter G. Sheridan
U.S. District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Room 2020
Trenton, NJ 08608

**Re: *ANJRPC v. Platkin*, - 3:18-cv-10507-PGS-JBD
Cheeseman v. Platkin - 1:22-cv-04360-PGS-JBD
Ellman v. Platkin - 3:22-cv-04397-PGS-JBD**

Dear Judge Sheridan:

We represent the *ANJRPC* and *Ellman* plaintiffs in the above referenced consolidated matters. The *ANJRPC* and *Ellman* plaintiffs submit this letter to highlight the recent decision of the Court of Appeals for the Third Circuit in *Lara v. Commissioner Pennsylvania State Police*, 2024 WL 189458 (3d Cir. 2024), which addressed whether Pennsylvania could effectively prohibit 18-to-20-year-olds from publicly carrying firearms. Pennsylvania argued that “dozens” of laws from 1856 and later supported its prohibition regardless. *Id.* at *4-*5, *7.

This Court rejected this argument, holding that “the Second Amendment should be understood according to its public meaning in 1791,” including in disputes involving state rather than federal action, and it definitively rejected the view that 1868 is the “correct temporal reference point.” *Id.* at *6-*8. Accordingly, the Court “set aside” the “catalogue of statutes from the mid-to-late nineteenth century” that Pennsylvania proffered and found its “conspicuously sparse” Founding-era evidence insufficient. *Id.* at *8-*9.

Much like Pennsylvania’s evidence in *Lara*, New Jersey’s exceedingly sparse historical evidence comes predominantly from the late-19th and 20th centuries. *Lara* definitively rejected that anachronistic view. New Jersey thus can no longer try to defend its sweeping magazine and “assault firearm” restrictions by invoking a handful of laws enacted well after the Founding Era.

Respectfully submitted,

s/ Daniel L. Schmutter
DANIEL L. SCHMUTTER

DLS/lks

cc: Daniel M. Vannella, Esq. (via ECF)
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